

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation - District Seven

Permit No: SAJ-2008-2966 (IP-JPF)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, mean the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to impact approximately 2.29 acres of waters of the United States, which includes 2.14 acres of impact for a temporary detour bridge and 0.15 acre of impact for the replacement bridge. The project is referenced by FDOT as FPID Number 408932. As the temporary bridge will require the clearing and temporary filling of forested wetlands, the applicant considered all impacts as 'permanent' in calculating the necessary mitigation. As mitigation for the project impacts, the applicant proposes to provide mitigation via the FDOT Mitigation Plan pursuant to 373.4137 (F.S.); specifically, the project impacts will be mitigated for at Colt Creek State Park. The project is referenced by FDOT as FPID Number 408932.

Geographic Position (Center Point of Project):

Latitude 28.193332

Longitude -82.165010

Project Location: The project site involves proposed impacts to wetlands and surface waters located along State Road 39 at the Hillsborough River bridge, in Section 25, Township 26 South, Range 21 East, Pasco County, Florida. The project is within the Hillsborough River Watershed.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **January 13, 2014**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer,

you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: **U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 10117 Princess Palm Avenue, Suite 120, Tampa, FL 33610-8302.** The Permittee shall reference this permit number, SAJ-2008-2056 (IP - JPF), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **In-Lieu Fee Credit Purchase:** Within 30 days from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall provide verification to the Corps that mitigation equivalent to 1.34 units of wetland function has been funded via the FDOT Mitigation Plan pursuant to 373.4137 (F.S.) at the Colt Creek State Park mitigation site. The required verification shall reference this project's permit number, SAJ-2008-2966 (IP-JPF).

4. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

5. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

6. **Temporary Wetland Impacts:** Within 30 days from the date of completing the authorized bridge replacement or 36 months from the effective date of this permit, whichever first occurs, the Permittee shall restore 2.14 acre(s) of temporary wetland impacts as detailed on sheets 8 through 17, and 24 (of 24) of the attached drawings to pre-existing contours, elevations, and hydrology. If the ground was compacted during the temporary impacts, the Permittee shall rake or disc the area to facilitate revegetation.

7. **Eastern Indigo Snakes:** The permittee agrees to implement the attached 'Standard Protection Measures for the Eastern Indigo Snake' (as revised February 2004) to minimize the potential for impacts to the eastern indigo snake.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, and local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).


c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures


such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

 1/13/09
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

 Charles A. Schnepel 1/13/09
(DISTRICT ENGINEER) (DATE)
Paul L. Grosskruger
Colonel, U.S. Army

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree - SIGNATURE) (DATE)

(NAME-PRINTED)

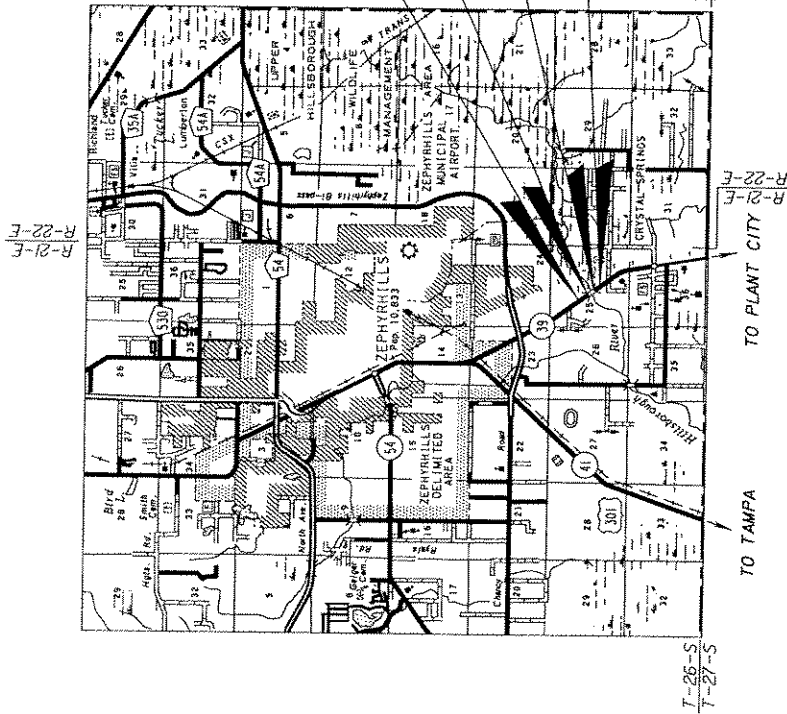
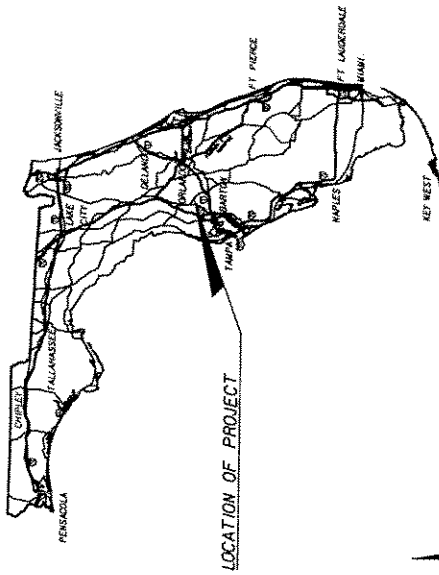
(ADDRESS)

(CITY, STATE, AND ZIP CODE)

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

WETLAND IMPACTS

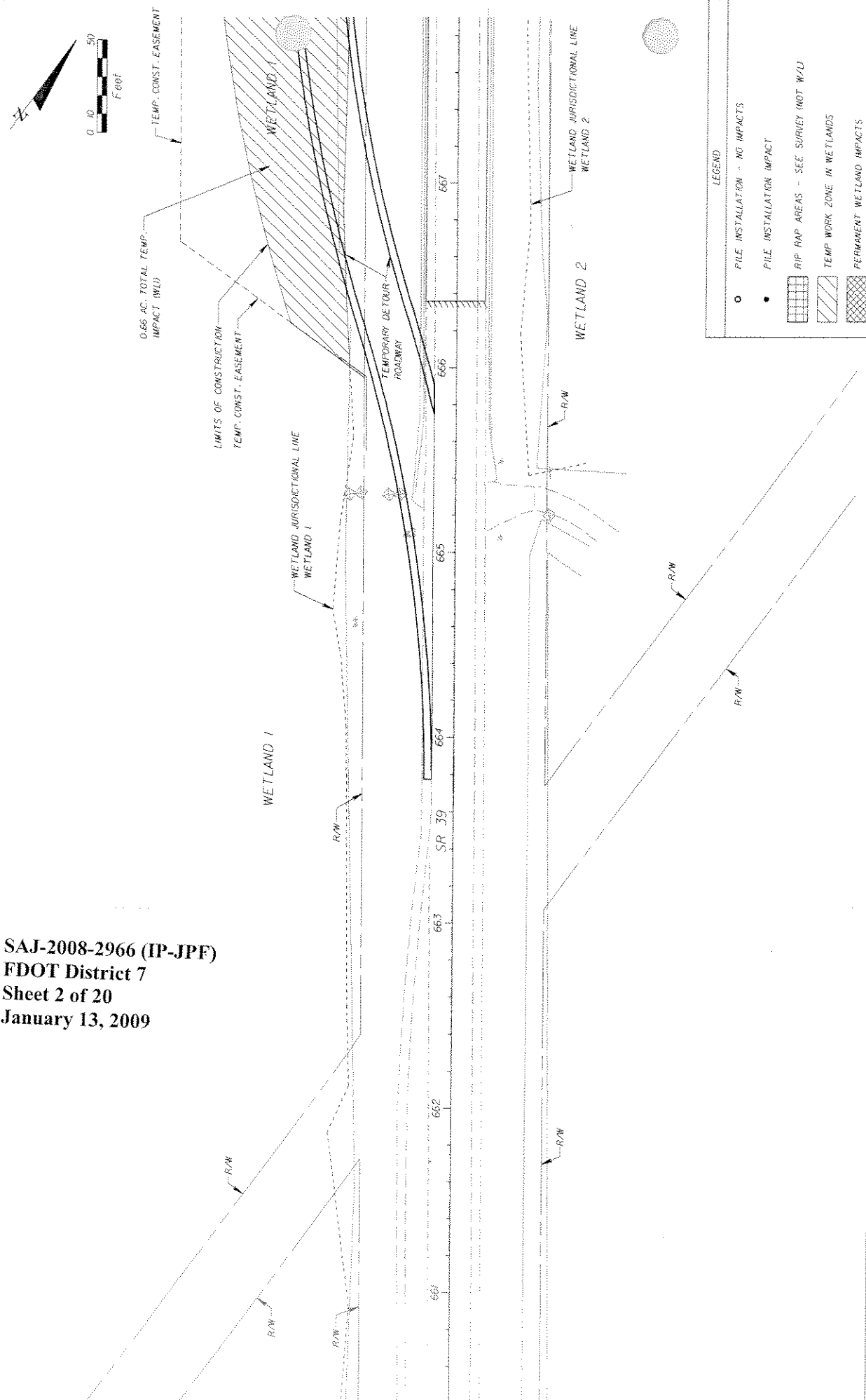
FINANCIAL PROJECT ID 408932-1-52-01
 PASCO COUNTY (14110)
 STATE ROAD NO. 39
 (AT THE HILLSBOROUGH RIVER)



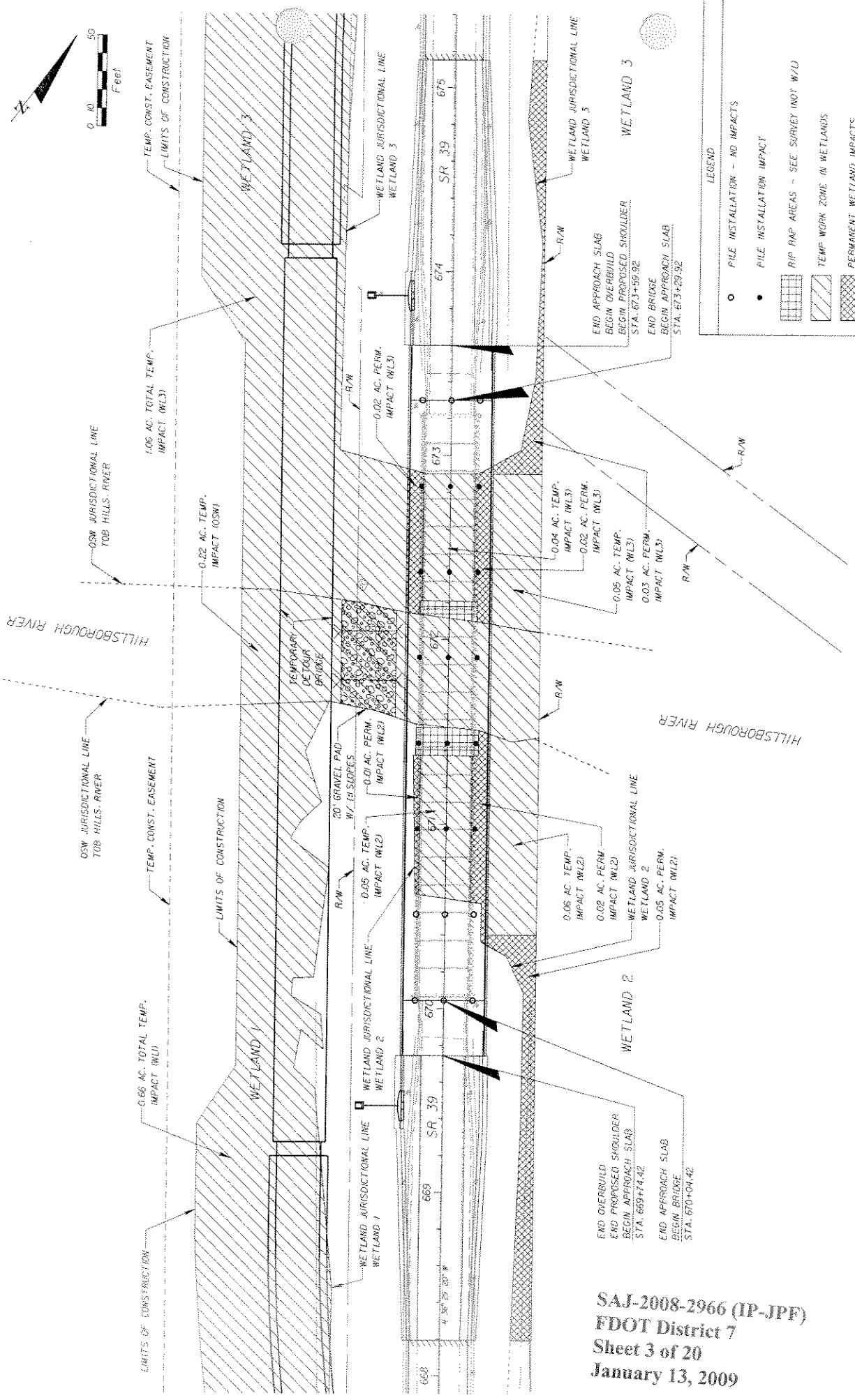
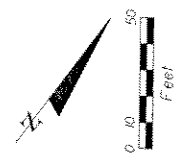
END PROJECT
 STA. 679+56.00
 END BRIDGE
 STA. 673+29.92
 BEGIN BRIDGE
 STA. 670+04.42
 BEGIN PROJECT
 STA. 666+36.00
 M.P. 1.517

lat 28.193332
 long -82.165042

SAJ-2008-2966 (IP-JPF)
FDOT District 7
Sheet 2 of 20
January 13, 2009



REVISIONS				DESCRIPTION		DATE	SIGNATURE	DESCRIPTION		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		ROAD NO.		COUNTY	FINANCIAL PROJECT ID		SHEET NO.		1	
										G. BRITTON HARDY, P.E. P.E. LICENSE NUMBER 45234 FLORIDA DEPARTMENT OF TRANSPORTATION 800 N. WINKLEY DRIVE TAMPA, FL 33602 CERTIFICATE OF AUTHORIZATION N/A		SR 39		PASCO	408932-1-52-01		WETLAND IMPACT PLAN SHEET		660440.00 TO 667400.00	

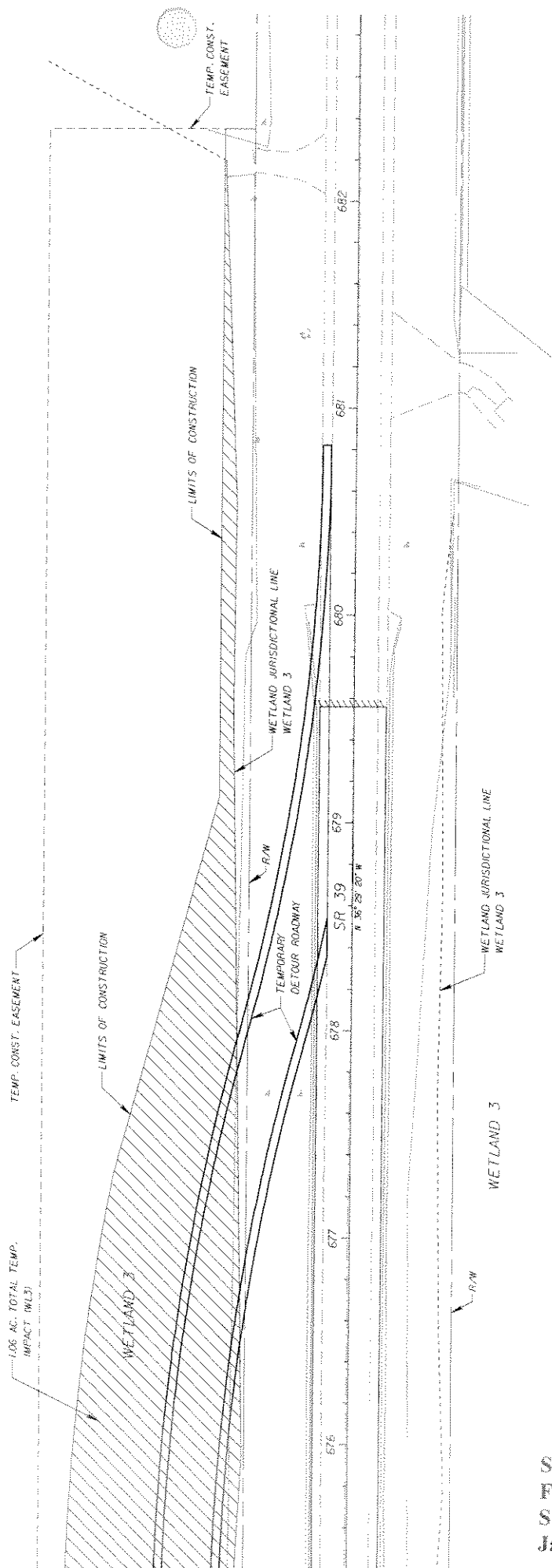
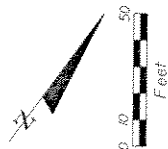


LEGEND

- PILE INSTALLATION - NO IMPACTS
- PILE INSTALLATION IMPACT
- [Hatched Box] RIP RAP AREAS - SEE SURVEY INOT W/LD
- [Diagonal Lines Box] TEMP WORK ZONE IN WETLANDS
- [Cross-hatched Box] PERMANENT WETLAND IMPACTS

STATE OF FLORIDA				DEPARTMENT OF TRANSPORTATION		WETLAND IMPACT PLAN SHEET		SHEET NO.			
				ROAD NO.		COUNTY		FINANCIAL PROJECT ID		667+90.00 TO 675+40.00	
G. BRITTON HARDY, P.E.				SR 39		PASCO		408932-1-52-01		2	
P.E. LICENSE NUMBER 45234											
FLORIDA DEPARTMENT OF TRANSPORTATION											
11200 N. WICKINLEY DRIVE											
TAMPA, FL 33612											
CERTIFICATE OF AUTHORIZATION N/A											
REVISIONS											
DESCRIPTION		DATE	BY	DESCRIPTION							

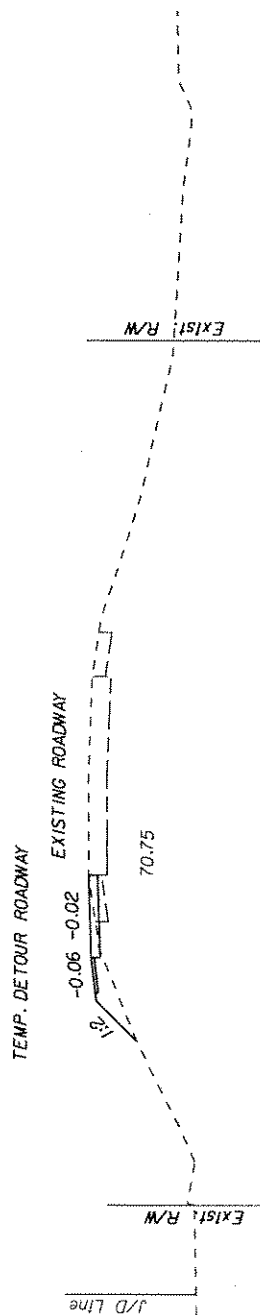
SAJ-2008-2966 (IP-JPF)
 FDOT District 7
 Sheet 3 of 20
 January 13, 2009



IMPACT SUMMARY			
WETLAND ID	PERM. IMPACTS (AC.)	TEMP. IMPACTS (AC.)	
1	0.00	0.66	
2	0.08	0.11	
3	0.07	1.15	
OSW	0.00	0.22	
TOTAL	0.15	2.14	

LEGEND	
○	PILE INSTALLATION - NO IMPACTS
●	PILE INSTALLATION IMPACT
	RIP RAP AREAS - SEE SURVEY (NOT W/L)
	TEMP WORK ZONE IN WETLANDS
	PERMANENT WETLAND IMPACTS

REVISIONS DATE DESCRIPTION		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. SR 39 COUNTY PASCO FINANCIAL PROJECT ID 408932-1-52-01		SHEET NO. 3
G. BRITTON HARVEY, P.E. P.E. LICENSE NUMBER 45234 FLORIDA DEPARTMENT OF TRANSPORTATION 11200 N. WOKINLEY DRIVE TAMPA, FL 33622 CERTIFICATE OF AUTHORIZATION N/A		WETLAND IMPACT PLAN SHEET 675+40.00 TO 682+90.00		



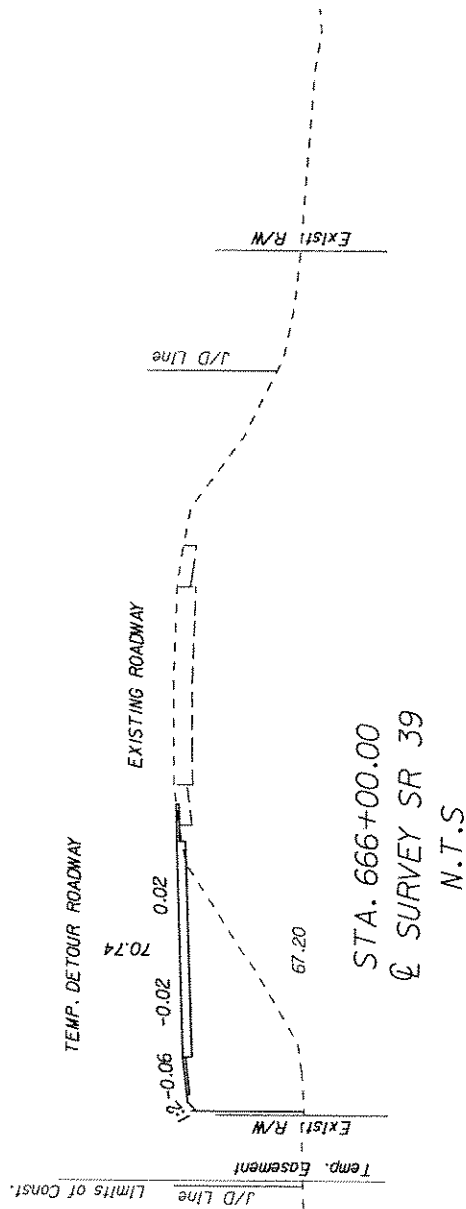
STA. 665+00.00
 & SURVEY SR 39
 N.T.S

LEGEND	
PERMANENT FILL	
PERMANENT EXCAVATION	
TEMPORARY FILL	
RUBBLE RIPRAP	

SHEET NO.	1
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WETLAND IMPACT CROSS SECTIONS

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 39	PASCO	408932-1-52-01

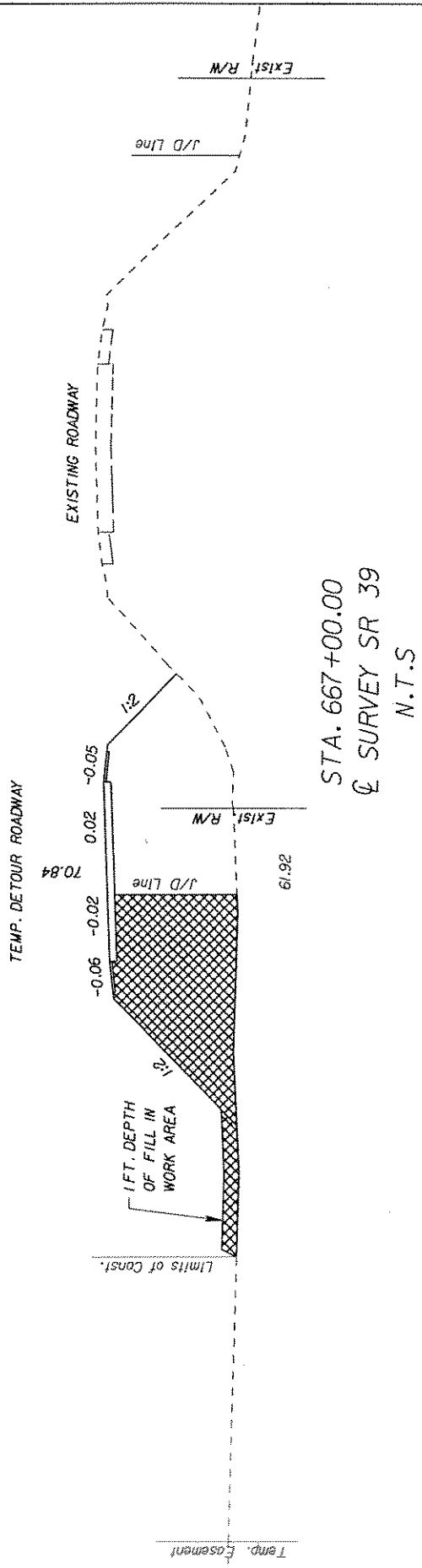


LEGEND	
	PERMANENT FILL
	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

WETLAND IMPACT CROSS SECTIONS	
SHEET NO.	2

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 39	PASCO	408932-1-52-01

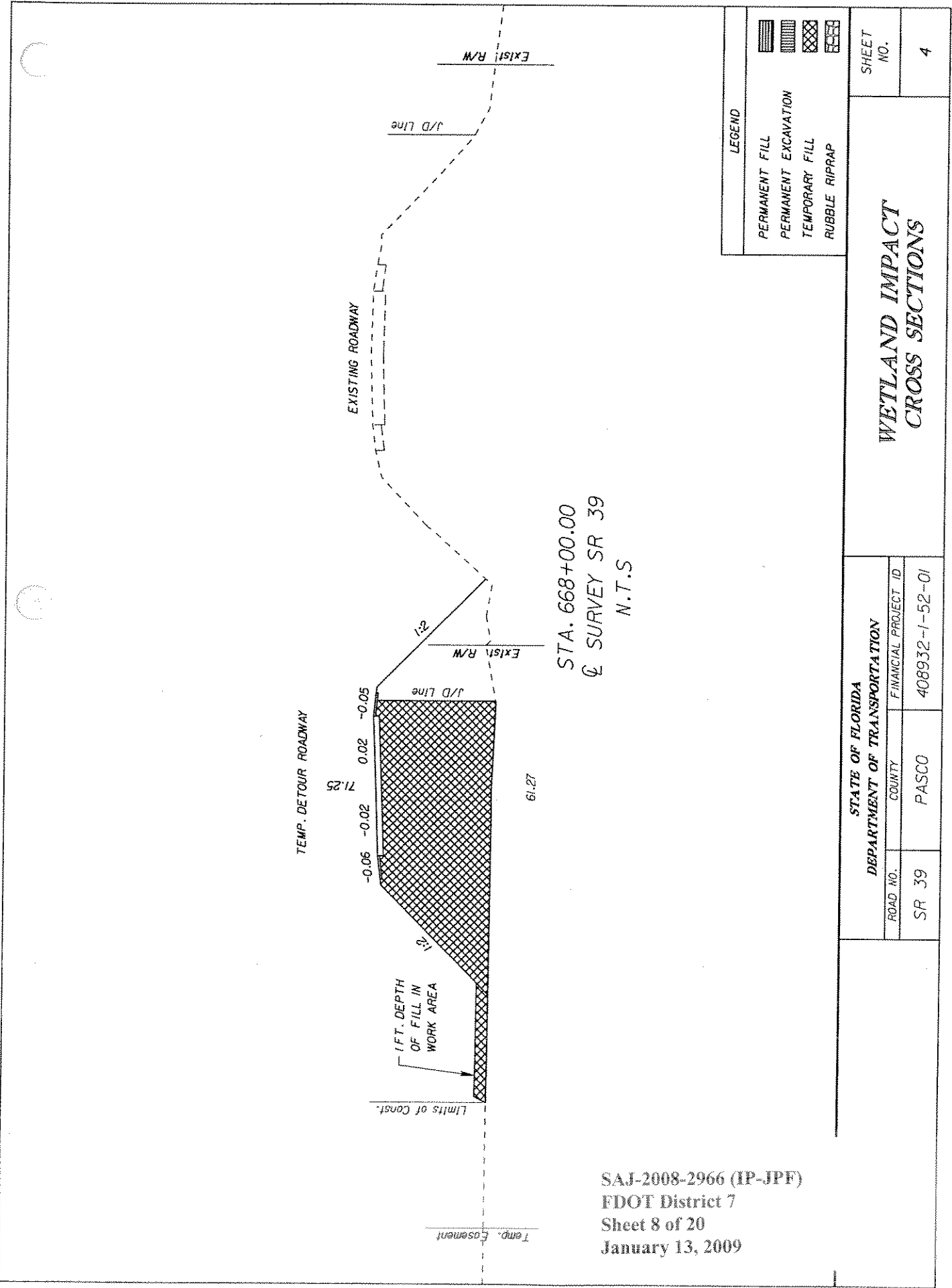
SAJ-2008-2966 (IP-JPF)
FDOT District 7
Sheet 6 of 20
January 13, 2009

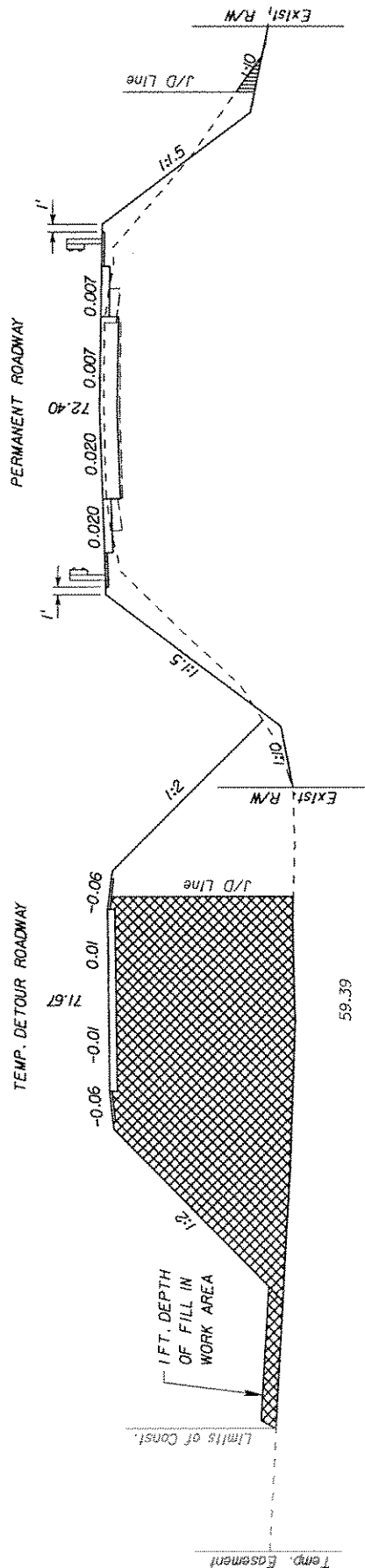


LEGEND	
	PERMANENT FILL
	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

	<i>STATE OF FLORIDA</i>			<i>WETLAND IMPACT CROSS SECTIONS</i>		SHEET NO.
	<i>DEPARTMENT OF TRANSPORTATION</i>					
	ROAD NO.	COUNTY	FINANCIAL PROJECT ID			
	SR 39	PASCO	408932-1-52-01			
						3

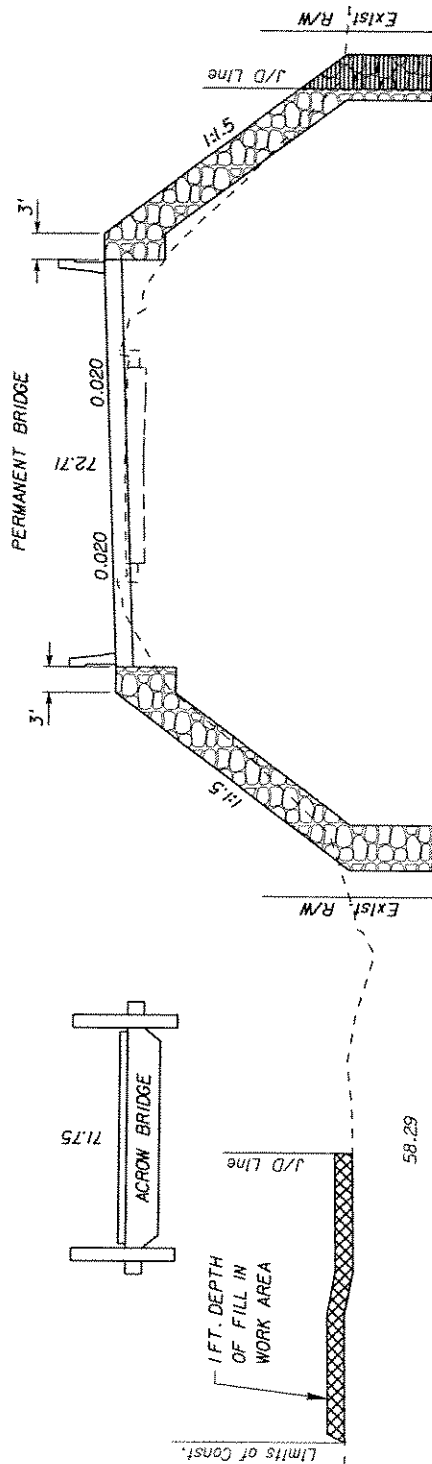
SAJ-2008-2966 (IP-JPF)
 FDOT District 7
 Sheet 7 of 20
 January 13, 2009





LEGEND	
	PERMANENT FILL
	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION				WETLAND IMPACT CROSS SECTIONS		SHEET NO.	
ROAD NO.		COUNTY	FINANCIAL PROJECT ID			5	
SR 39		PASCO	408932-1-52-01				

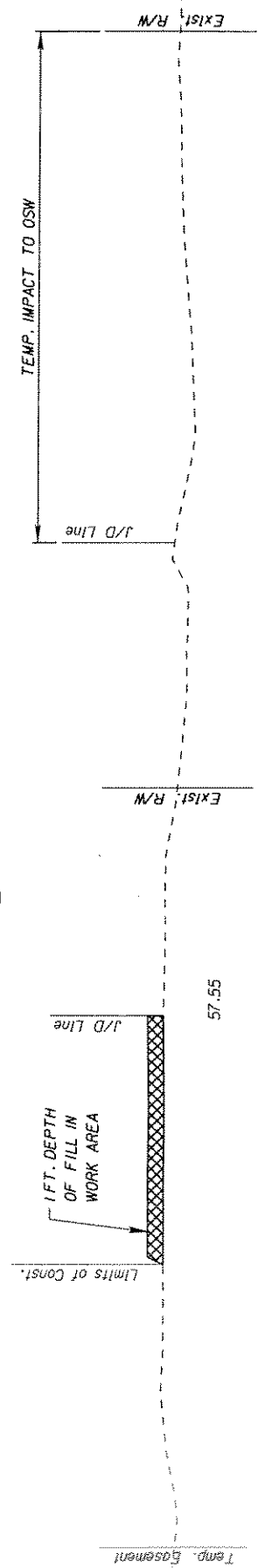
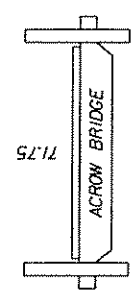
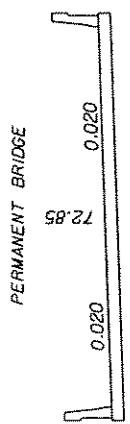


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LEGEND	
	PERMANENT FILL
	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

<div>STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION</div>				<div>WETLAND IMPACT CROSS SECTIONS</div>		SHEET NO.
ROAD NO.	COUNTY	FINANCIAL PROJECT ID				
SR 39	PASCO	408932-1-52-01	6			

SAJ-2008-2966 (IP-JPF)
 FDOT District 7
 Sheet 10 of 20
 January 13, 2009

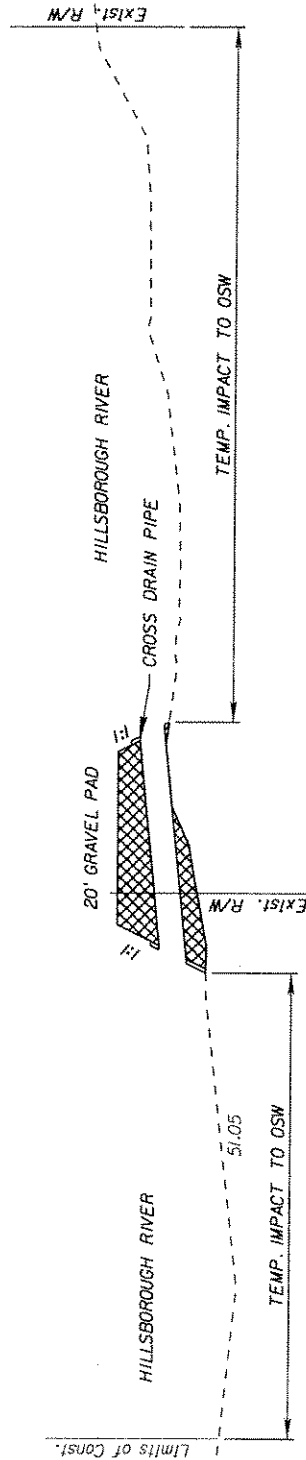
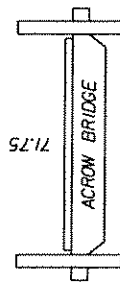
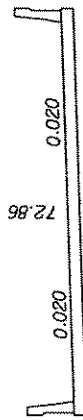


STA. 671+00.00
 @ SURVEY SR 39
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LEGEND	
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	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			WETLAND IMPACT CROSS SECTIONS		SHEET NO.
					7
ROAD NO.	COUNTY	FINANCIAL PROJECT ID			
SR 39	PASCO	408932-1-52-01			

PERMANENT BRIDGE



STA. 672+00.00
 & SURVEY SR 39
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LEGEND

PERMANENT FILL	PERMANENT EXCAVATION	TEMPORARY FILL	RUBBLE RIPRAP
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SHEET NO.

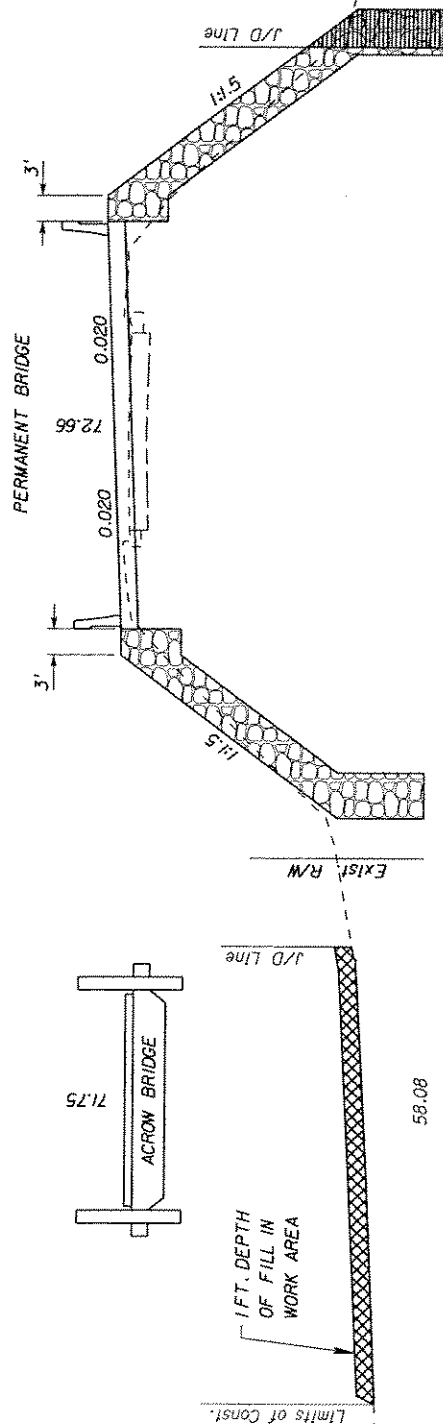
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WETLAND IMPACT
 CROSS SECTIONS

STATE OF FLORIDA

DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 39	PASCO	408932-1-52-01



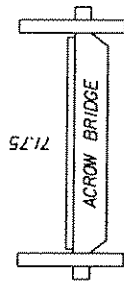
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 & SURVEY SR 39
 N.T.S

LEGEND	
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	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

SHEET NO.	9
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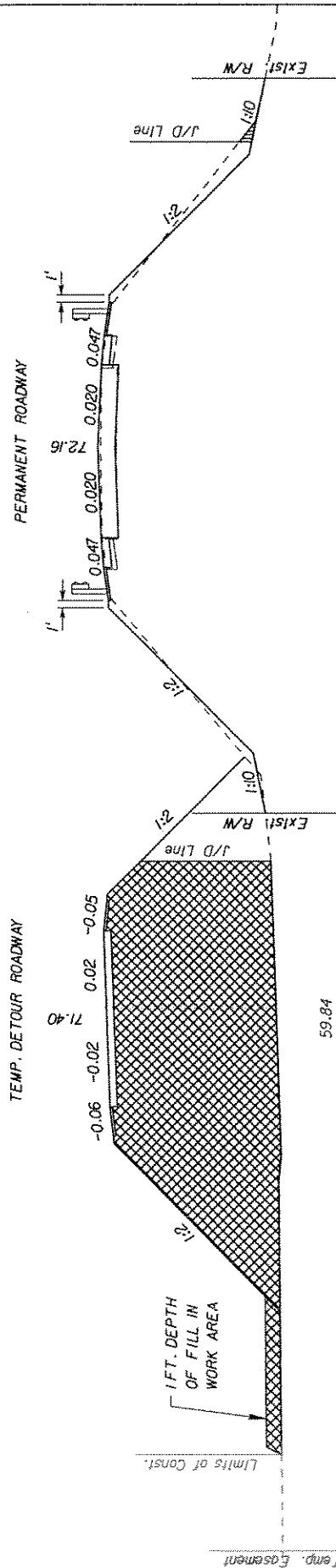
WETLAND IMPACT CROSS SECTIONS

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 39	PASCO	408932-1-52-01



SAJ-2008-2966 (IP-JPF)
FDOT District 7
Sheet 14 of 20
January 13, 2009

<div>LEGEND</div> <div><div>PERMANENT FILL</div><div>PERMANENT EXCAVATION</div><div>TEMPORARY FILL</div><div>RUBBLE RIPRAP</div></div>	<div>STATE OF FLORIDA</div> <div>DEPARTMENT OF TRANSPORTATION</div> <div><div>ROAD NO.</div><div>SR 39</div></div> <div><div>COUNTY</div><div>PASCO</div></div> <div><div>FINANCIAL PROJECT ID</div><div>408932-1-52-01</div></div>				<div>WETLAND IMPACT</div> <div>CROSS SECTIONS</div>		<div>SHEET NO.</div>
							<div>10</div>



STA. 675+00.00
 & SURVEY SR 39
 N.T.S

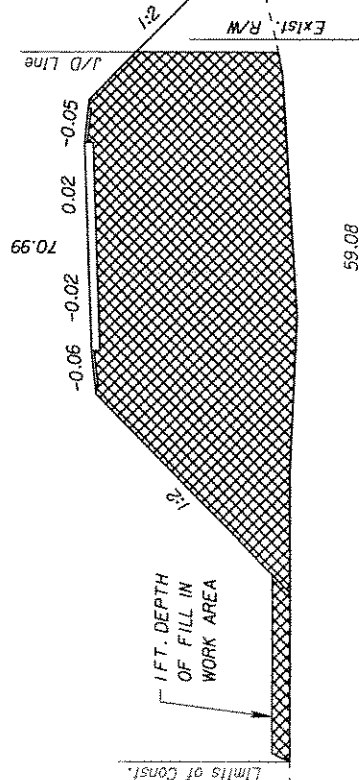
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LEGEND	
	PERMANENT FILL
	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

STATE OF FLORIDA			WETLAND IMPACT CROSS SECTIONS		SHEET NO.
DEPARTMENT OF TRANSPORTATION					
ROAD NO.	COUNTY	FINANCIAL PROJECT ID			
SR 39	PASCO	408932-1-52-01			
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SAJ-2008-2966 (IP-JPF)
 FDOT District 7
 Sheet 15 of 20
 January 13, 2009

TEMP. DETOUR ROADWAY



STA. 676+00.00
 SURVEY SR 39
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LEGEND	
	PERMANENT FILL
	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

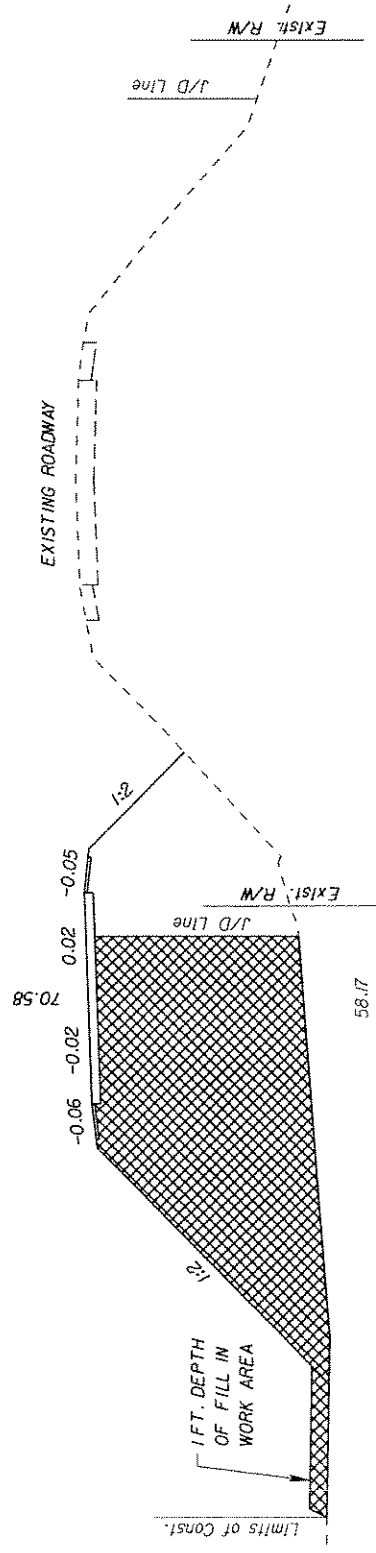
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SHEET NO.	12

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			
ROAD NO.	COUNTY	FINANCIAL PROJECT ID	
SR 39	PASCO	408932-1-52-01	

SAJ-2008-2966 (IP-JPF)
 FDOT District 7
 Sheet 16 of 20
 January 13, 2009

EXISTING ROADWAY

TEMP. DETOUR ROADWAY

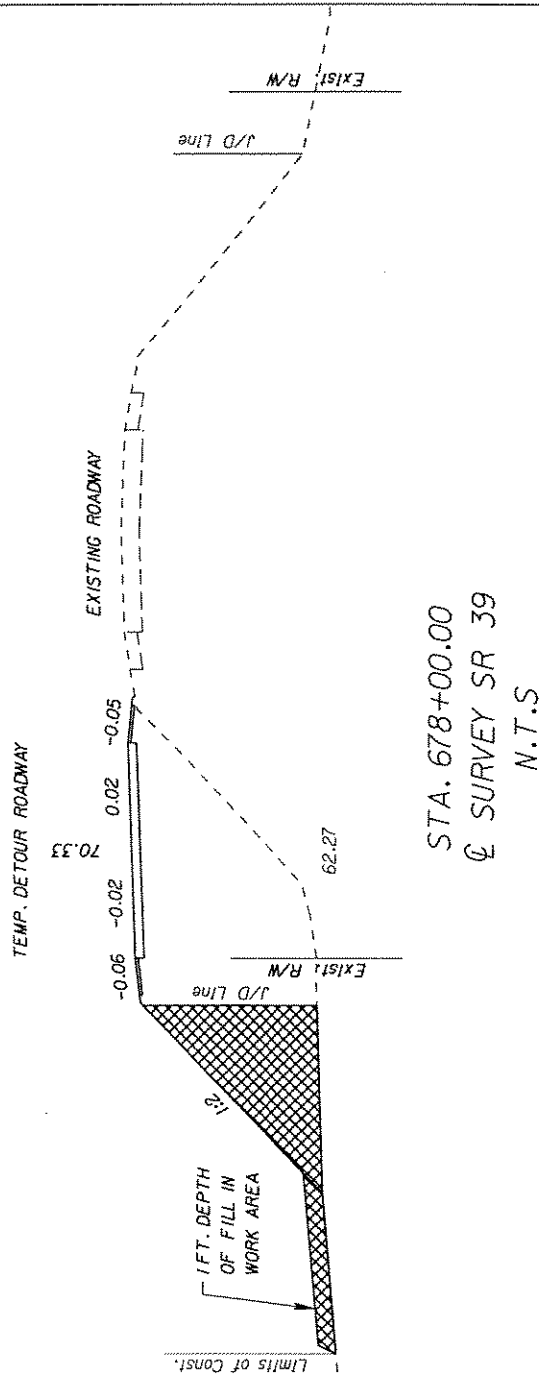


STA. 677+00.00
Q SURVEY SR 39
N.T.S.

LEGEND

PERMANENT FILL	PERMANENT EXCAVATION	TEMPORARY FILL	RUBBLE RIPRAP

<div>STATE OF FLORIDA</div> <div>DEPARTMENT OF TRANSPORTATION</div>				<div>WETLAND IMPACT</div> <div>CROSS SECTIONS</div>		<div>SHEET NO.</div>
<div>ROAD NO.</div>		<div>COUNTY</div>	<div>FINANCIAL PROJECT ID</div>			<div>13</div>
<div>SR 39</div>		<div>PASCO</div>	<div>408932-1-52-01</div>			

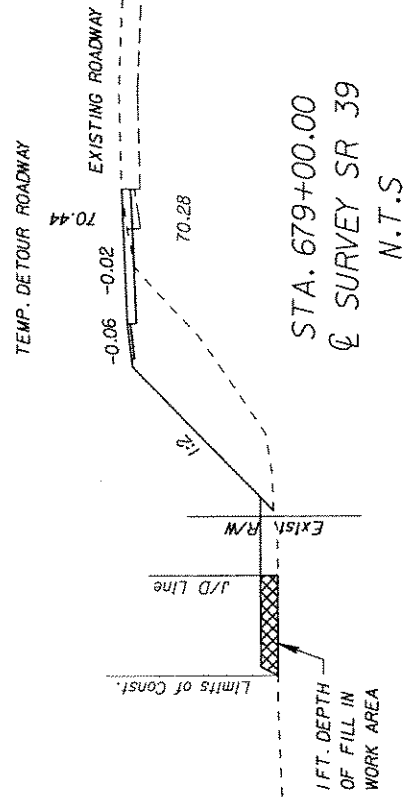


LEGEND	
	PERMANENT FILL
	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			WETLAND IMPACT CROSS SECTIONS		SHEET NO.
			ROAD NO.	COUNTY	FINANCIAL PROJECT ID
			SR 39	PASCO	408932-1-52-01
					14

SAJ-2008-2966 (IP-JPF)
 FDOT District 7
 Sheet 18 of 20
 January 13, 2009

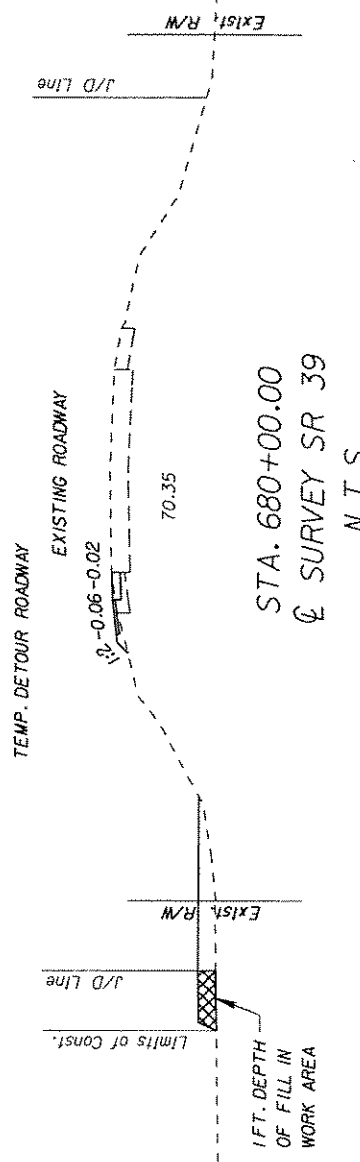
Temp. Easement



LEGEND	
	PERMANENT FILL
	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			WETLAND IMPACT CROSS SECTIONS	SHEET NO.
	ROAD NO.	COUNTY	FINANCIAL PROJECT ID		15
	SR 39	PASCO	408932-1-52-01		

SAJ-2008-2966 (IP-JPF)
 FDOT District 7
 Sheet 19 of 20
 January 13, 2009



LEGEND	
	PERMANENT FILL
	PERMANENT EXCAVATION
	TEMPORARY FILL
	RUBBLE RIPRAP

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			WETLAND IMPACT CROSS SECTIONS		SHEET NO.
ROAD NO.			COUNTY	FINANCIAL PROJECT ID	16
SR 39			PASCO	408932-1-52-01	

SAJ-2008-2966 (IP-JPF)
 FDOT District 7
 Sheet 20 of 20
 January 13, 2009

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
CONSOLIDATED ENVIRONMENTAL RESOURCE PERMIT (ERP) AND
SOVEREIGN SUBMERGED LAND AUTHORIZATION (SL)
INDIVIDUAL CONSTRUCTION SURFACE WATER MANAGEMENT SYSTEMS
PERMIT NO. 43033500.001
AND
SOVEREIGNTY LANDS TEMP LETTER OF CONSENT

ERP Expiration Date: December 16, 2013
SL Expiration Date: N/A

PERMIT ISSUE DATE: December 16, 2008

This permit, issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and Chapter 40D-4, Florida Administrative Code, (F.A.C.), authorizes the Permittee to perform the work outlined herein and shown by the application, approved drawings, plans, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District).

Authorization is granted to use sovereign submerged lands as outlined herein and shown by the application, approved drawings, plans, and other documents attached hereto and kept on file at the District under the provisions of Chapter 253, F.S., and Chapter 18-21, F.A.C., as well as the policies of the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). This approval does not disclaim any title interests that the Board of Trustees may have in the project site. Any subsequent authorizations by the Board of Trustees or its designated agents may contain conditions necessary to satisfy the fiduciary responsibilities of the Board of Trustees as well as other applicable statutory or rule requirements implemented by the Department of Environmental Protection's Division of State Lands or other governmental agencies authorized by Florida Statutes.

All construction, operation, and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: FDOT - SR 39 (Buchman Highway) at Hillsborough River - Temporary Detour Bridge

GRANTED TO: Florida Department of Transportation, District VII
11201 North McKinley Drive
Tampa, FL 33612-6403

ABSTRACT: This permit is for the construction of a surface water management system to serve a 4.24-acre temporary detour bridge. The project site is located just west of the existing SR 39 (Buchman Highway) bridge approximately one mile south of the intersection of SR 39 and Chancey Road in Pasco County. Any water quality impacts from this bridge are expected to be de minimus and temporary as the detour bridge will be removed once the construction of the replacement bridge on SR 39, permitted under ERP No. 47033500.000, is completed, thus a Sovereignty Lands Temporary Letter of Consent has been authorized. Information regarding the surface water management system and wetlands is contained within the tables below.

OP. & MAINT. ENTITY: Florida Department of Transportation, District VII

COUNTY: Pasco

WATERBODY NAME: Hillsborough River

Permit No.: 43033500.001
 Permit Name: FDOT - SR 39 (Buchman Highway) at Hillsborough River - Temporary Detour Bridge
 Page: 2 of 5

AQUATIC PRESERVE: N/A

SEC/TWP/RGE: 25/26S/21E

TOTAL ACRES OWNED
 OR UNDER CONTROL: 4.24

PROJECT SIZE: 4.24 Acres

LAND USE: Road Project

DATE APPLICATION FILED: August 1, 2008

AMENDED DATE: N/A

I. Water Quantity/Quality

Comments: Any water quality impacts from this bridge are expected to be de minimus and temporary as the detour bridge will be removed once the construction of the replacement bridge on SR 39, permitted under ERP 47033500.000, is complete. The engineer of record Megan Arasteh, Florida PE No. 49110, has provided engineering calculations and drawings that indicate no adverse on- or off-site impacts are expected as a result of the proposed development.

A mixing zone is not required.

A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
0.00	0.00	NE X	Depth N/A

*Codes [X] for the type or method of compensation provided are as follows:

NE = No Encroachment

MI = Minimal Impact based on modeling of existing stages vs. post-project encroachment.

N/A = Not Applicable

**Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims MI type of compensation

III. Environmental Considerations

Wetland/Surface Water Information

Count of Wetlands: 3

Wetland Name	Total	Not Impacted	Permanent Impacts		Temporary Impacts	
	Acres	Acres	Acres	Functional Loss*	Acres	Functional Loss*
OSW	0.16	0.00	0.00	0.00	0.16	0.00
Wetland 1	1.02	0.36	0.366	0.53	0.00	0.00
Wetland 3	2.17	1.16	1.01	0.81	0.00	0.00
TOTAL	3.35	1.52	1.67	1.34	0.16	0.00

* For impacts that do not require mitigation, their functional loss is not included.

Permit No.: 43033500.001
Permit Name: FDOT - SR 39 (Buchman Highway) at Hillsborough River - Temporary Detour Bridge
Page: 3 of 5

Wetland Comments: There are 3.35 acres of wetlands and surface waters within the project area. Project construction will result in permanent impacts to 1.67 acres of forested wetlands resulting in a Functional Loss of 1.34 units. Project construction will also result in 0.16 acre of temporary surface water impacts.

Mitigation Comments: Mitigation for the permanent impact to 1.67 acres of wetlands associated with this FDOT project (FM 4089321) shall be provided as identified in the 2008 FDOT Mitigation Program (Chapter 373.4137, Florida Statutes) and is described in the Southwest Florida Water Management District's "FDOT Mitigation Plan" dated January 29, 2008. Mitigation to offset impacts to 1.67 acres of wetlands is provided within the Colt Creek State Park (SW-84). Since the 0.16 acre temporarily impacted surface water area does not provide habitat for threatened or endangered species and is considered de minimus, mitigation is not required according to 3.2.2.2 of the Basis of Review. However, the temporarily impacted area will be regraded and replanted, but ongoing monitoring and maintenance will not be required.

IV Sovereign Submerged Lands.

ACTIVITY	PREEMPTED AREA	DREDGED	NO. OF SLIPS
05	4,791.60	0.00	0
TOTAL	4,791.60 square feet	0.00 cubic yards	

Shoreline Length: 200 feet

A Sovereignty Lands Temporary Letter of Consent has been authorized for the detour bridge, which will be removed once the construction of the replacement bridge on SR 39 has been completed.

SPECIFIC CONDITIONS

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit shall terminate, pursuant to Section 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.

2. Unless specified otherwise herein, two copies of all information and reports required by this permit shall be submitted to:

Brooksville Regulation Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604-6899

The permit number, title of report or information and event (for recurring report or information submittal) shall be identified on all information and reports submitted.

3. The Permittee shall retain the design engineer, or other professional engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the professional engineer so employed. This information shall be submitted prior to construction.

4. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit to the Brooksville Service Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1 659, F.A.C., and signed, dated and sealed as-built drawings. The as-built drawings shall identify any deviations from the approved construction drawings.
5. The District reserves the right, upon prior notice to the Permittee, to conduct on-site research to assess the pollutant removal efficiency of the surface water management system. The Permittee may be required to cooperate in this regard by allowing on-site access by District representatives, by allowing the installation and operation of testing and monitoring equipment, and by allowing other assistance measures as needed on site.
6. The construction of all wetland impacts and wetland mitigation shall be supervised by a qualified environmental scientist/specialist/consultant. The Permittee shall identify, in writing, the environmental professional retained for construction oversight prior to initial clearing and grading activities.
7. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:

limits of approved wetland impacts

The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.
8. Wetland boundaries shown on the approved construction drawings shall be binding upon the Permittee and the District.
9. All construction is prohibited within the permitted project area until the Permittee acquires legal ownership or legal control of the project area as delineated in the permitted construction drawings.
10. The Permittee, the Florida Department of Transportation, shall submit to the District a site-specific plan for erosion and sediment control best management practices, pursuant to Section 104, FDOT Standard Specifications for Road and Bridge Construction. The Permittee shall submit this plan and receive District approval prior to construction commencement.
11. If limestone bedrock is encountered during construction of the surface water management system, the District must be notified and construction in the affected area shall cease.
12. The Permittee shall notify the District of any sinkhole development in the surface water management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.
13. The District, upon prior notice to the Permittee, may conduct on-site inspections to assess the effectiveness of the erosion control barriers and other measures employed to prevent violations of state water quality standards and avoid downstream impacts. Such barriers or other measures should control discharges, erosion, and sediment transport during construction and thereafter. The District will also determine any potential environmental problems that may develop as a result of leaving or removing the barriers and other measures during construction or after construction of the project has been completed. The Permittee must provide any remedial measures that are needed.

Permit No.: 43033500.001

Permit Name: FDOT - SR 39 (Buchman Highway) at Hillsborough River - Temporary Detour Bridge

Page: 5 of 5

14. This permit is issued based upon the design prepared by the Permittee's consultant. If at any time it is determined by the District that the Conditions for Issuance of Permits in Rules 40D-4.301 and 40D-4.302, F.A.C., have not been met, upon written notice by the District, the Permittee shall obtain a permit modification and perform any construction necessary thereunder to correct any deficiencies in the system design or construction to meet District rule criteria. The Permittee is advised that the correction of deficiencies may require re-construction of the surface water management system and/or mitigation areas.
15. The Permittee shall regrade and replant the temporary bridge impacts as shown in Sheets 91-98 of the approved construction plans.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

PROPRIETARY GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "B" are hereby incorporated by reference and the Permittee shall comply with them.

Authorized Signature

EXHIBIT "A"

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:
 - a. If the decision to issue the associated individual permit is not final within 90 days of issuance of the incidental site activities permit, the site must be restored by the permittee within 90 days after notification by the District. Restoration must be completed by re-contouring the disturbed site to previous grades and slopes re-establishing and maintaining suitable vegetation and erosion control to provide stabilized hydraulic conditions. The period for completing restoration may be extended if requested by the permittee and determined by the District to be warranted due to adverse weather conditions or other good cause. In addition, the permittee shall institute stabilization measures for erosion and sediment control as soon as practicable, but in no case more than 7 days after notification by the District.
 - b. The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as commitment to issue the associated individual environmental resource permit.
4. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the District as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

6. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
7. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
8. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
9. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
10. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
11. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
12. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a written notification of commencement indicating the actual start date and the expected completion date.
13. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
14. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C. Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

15. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
16. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until a transfer is approved by the District, the permittee shall be liable for compliance with the terms of the permit.
17. Should any other regulatory agency require changes to the permitted system, the District shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
18. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
19. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
20. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40D-4.351, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with District rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

EXHIBIT "B"

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.



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Southwest Florida Water Management District

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)
SUNCOM 572-6200

Lecanto Service Office
Suite 226
3600 West Sovereign Path
Lecanto, Florida 34461-8070
(352) 527-8131

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)
SUNCOM 531-6900

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)
SUNCOM 578-2070

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

Judith C. Whitehead
Chair, Hernando

Neil Combee
Vice Chair, Polk

Todd Pressman
Secretary, Pinellas

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Pinellas

Maritza Rovira-Forino
Hillsborough

Patsy C. Symons
DeSoto

David L. Moore
Executive Director

William S. Bilenky
General Counsel

December 10, 2007

John M. Kubler
Florida Department of Transportation, District 7
11201 N McKinley Drive, MS 7-800
Tampa, FL 33612

Subject: **Notice of Final Agency Action - Approval**
Environmental Resource Noticed General
Project Name: FDOT - SR 39 (Buchman Highway) at Hillsborough
River
Permit No: 47033500.000
County: Pasco
Sec/Twp/Rge: 25/26S/21E
Expiration Date: November 28, 2012

Dear Mr. Kubler:

The District acknowledges your intent to use a Noticed General permit for the project referenced above. Plans and information received will be kept on file in the Brooksville Service Office in support of this determination. The proposed construction must be completed before the expiration date indicated above.

The proposed construction is subject to general conditions of Chapters 40D-1, 4, 40 and 400, Florida Administrative Code, (F.A.C.), Sections 373.4141 and 120.60, Florida Statutes, (F.S.), Chapter 18-21, F.A.C., (Exhibit A, copy enclosed) and the specific conditions of Rule 40D-400.443(1), F.A.C. Deviations from these conditions may subject you to enforcement action and possible penalties. You are responsible for conducting construction in a manner which satisfies all criteria. Be advised that general condition number 6 states that the Permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereign lands or other state-owned lands

Rule 18-21.005 (1)(a), Florida Administrative Code, (F.A.C.), lists activities that may be conducted on sovereign submerged lands without a Proprietary Authorization. This project meets the requirements of 18-21.005 (1)(a)1., F.A.C.

Final approval is contingent upon no objection to the District's action being received by the District within the time frames described below.

You or any person whose substantial interests are affected by the District's action regarding a permit may request an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes, (F.S.), and Chapter 28-106, Florida Administrative Code, (F.A.C.), of the Uniform Rules of Procedure.

District 7 Utility Department

DEC 13 2007

FM 4001321 Type Issued
Sub. 28106-47033500.000 4 Consent of use
Agency SW FL Water
Scanned 12/17/07
QC Doc# 759506

A request for hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts, and (3) otherwise comply with Chapter 28-106, F.A.C. Copies of Sections 28-106.201 and 28-106.301, F.A.C. are enclosed for your reference. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within 14 days of receipt of this notice. If you wish to challenge the determination that this project meets the requirements of 18-21.005(1)(a), F.A.C., a shorter time to file an objection is applicable. A request for hearing must be received within 14 days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

Enclosed is a "Noticing Packet" that provides information regarding the District Rule 40D-1.1010, F.A.C., which addresses the notification of persons whose substantial interests may be affected by the District's action in this matter. The packet contains guidelines on how to provide notice of the District's action, and a notice that you may use.

If you have questions regarding this permit, please contact Robert J. Dowling, at the Brooksville Service Office, extension 4739. For assistance with environmental concerns, please contact Michelle C. Dachsteiner, extension 4193.

Sincerely,



Henry Robert Lue, P.E., Director
Brooksville Regulation Department

HRL:RJD:MCD:dkh

Enclosures: Rules 40D-400.443, F.A.C.
Exhibit A
Notice of Authorization to Commence Construction
Approved Construction Drawings
Sections 28-106.201 and 28-106.301, F.A.C.
Noticing Packet (42.00-039)

cc: File of Record 47033500.000
M. Arasteh, Florida Department of Transportation - District 7



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Southwest Florida Water Management District

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(883) 534-1448 or
1-800-492-7862 (FL only)
SUNCOM 572-6200

Lecanto Service Office
Suite 226
3600 West Sovereign Path
Lecanto, Florida 34461-8070
(352) 527-8131

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Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)
SUNCOM 531-6900

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)
SUNCOM 578-2070

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Patsy C. Symons
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David L. Moore
Executive Director

William S. Bilenky
General Counsel

December 10, 2007

John M. Kubler
Florida Department of Transportation, District 7
11201 N McKinley Drive, MS 7-800
Tampa, FL 33612

Subject: **Notice of Final Agency Action for Approval**
Sovereignty Lands Temp. Letter of Consent
DEP Instrument No. N/A
Assoc. ERP No.: 47033500.000
Sov Record No.: 818
Project Name: FDOT - SR 39 (Buchman Highway) at
Hillsborough River
County: Pasco
Sec/Twp/Rge: 25/26S/21E

Dear Mr. Kubler:

The project referenced above includes activities on sovereign submerged lands which require a Proprietary Authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Sections 253.002 and 253.77, Florida Statutes, (F.S.). As staff to the Board of Trustees, the District has the responsibility to review and take final action on requests for a Proprietary Authorization in accordance with Rules 18-21.0051 and 40D-1.602, Florida Administrative Code, (F.A.C.).

Project description:

ACTIVITY (Enter subtype code description)	PREEMPTED AREA	DREDGED	NO. OF SLIPS
05	4,464.90	0.00	0
TOTALS:	4,464.90 square feet	0.00 cubic yards	

Waterbody Name: Hillsborough River Shoreline Length: 227 feet
Aquatic Preserve: N/A

A proprietary conservation easement is not required.

Authorization is granted to use sovereign submerged lands as shown by the application, approved drawings, plans, and other documents kept on file at the District under the provisions of Article X, Section 11 of the Florida Constitution, Chapter 253, F.S., Title 18, F.A.C., and the policies of the Board of Trustees. This approval does not disclaim any title interest that the Board of Trustees may have in the project site.

Any subsequent authorizations by the Board of Trustees or its designated agents may contain conditions necessary to satisfy the fiduciary responsibilities of the Board of Trustees as well as other applicable statutory or rule requirements implemented by Department of Environmental Protection's Division of State Lands or other governmental agencies authorized by Florida Statutes.

The General Conditions attached hereto are hereby incorporated by reference and the Permittee shall comply with them.

You or any person whose substantial interests are affected by the District's action regarding a permit may request an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes, (F.S.), and Chapter 28-106, Florida Administrative Code, (F.A.C.), of the Uniform Rules of Procedure. A request for hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no disputed facts, and (3) otherwise comply with Chapter 28-106, F.A.C. Copies of Sections 28-106.201 and 28-106.301, F.A.C. are enclosed for your reference. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Brooksville address within 14 days of receipt of this notice. If you wish to challenge the determination that this project meets the requirements of 18-21.005(1)(a), F.A.C., a shorter time to file an objection is applicable. A request for hearing must be received within 14 days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

Enclosed is a "Noticing Packet" that provides information regarding District Rule, Section 40D-1.1010, F.A.C., which addresses the notification of persons whose substantial interests may be affected by the District's action in this matter. The packet contains guidelines on how to provide notice of the District's action, and a notice that you may use.

If you have questions regarding this matter, please contact Michelle C. Dachsteiner, at the Brooksville Service Office, extension 4193. Please reference the Project Name and Inquiry Number in future communications concerning this project.

Sincerely,



Henry Robert Lue, P.E., Director
Brooksville Regulation Department

HRL:MCD:dkh

Enclosures: Noticing Packet (42.00-039)
Proprietary General Conditions
Sections 28-106.201 and 28-106.301, F.A.C.

ccw/Enc: File of Record 47033500.000
M. Arasteh, Florida Department of Transportation - District 7

**General Conditions
Proprietary Authorization**

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

EXHIBIT "A"

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this section are binding upon the Permittee for all noticed general permits in this chapter. These conditions are enforceable under part IV of Chapter 373, F.S.
2. The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. A violation of the permit is a violation of part IV of Chapter 373, F.S., and may result in suspension or revocation of the Permittee's right to conduct such activity under the general permit. The District may also begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.
3. This general permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.
4. This general permit does not convey to the Permittee or create in the Permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the Permittee, or convey any rights or privileges other than those specified in the general permit and this chapter.
5. This general permit does not relieve the Permittee from liability and penalties when the permitted activity causes harm or injury to human health or welfare; animal, plant or aquatic life; or property. It does not allow the Permittee to cause pollution in contravention of Florida Statutes and District rules.
6. The Permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the Permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
7. The Board may modify or revoke the authorization to conduct activities pursuant to this noticed general permit at any time if it determines that a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works has become a danger to the public health or safety of its operation has become inconsistent with the objectives of the District or is in violation of any rule or order of the District, or the provisions of this noticed general permit.
8. This permit shall not be transferred to a third party except pursuant to section 40D-4.351, F.A.C. The Permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located.


9. Upon reasonable notice to the Permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to insure conformity with the plans and specifications approved by the permit.
10. The Permittee shall maintain any permitted system in accordance with the plans submitted and authorized by this permit.
11. A Permittee's right to conduct a specific activity under this noticed general permit is authorized for a duration of five years.
12. Construction, alteration, operation, maintenance, removal and abandonment approved by this general permit shall be conducted in a manner which does not cause violations of state water quality standards, including any antidegradation provisions of sections 62-4.242(1)(a) and (b), 62-4.242(2) and (3), and 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters. The Permittee shall implement best management practices for erosion, turbidity, and other pollution control to prevent violation of state water quality standards. Temporary erosion control measures such as sodding, mulching, and seeding shall be implemented and shall be maintained on all erodible ground areas prior to and during construction. Permanent erosion control measures such as sodding and planting of wetland species shall be completed within seven days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands or surface waters exists due to the permitted activity. Turbidity barriers shall remain in place and shall be maintained in a functional condition at all locations until construction is completed, soils are stabilized and vegetation has been established. Thereafter the Permittee shall be responsible for the removal of the barriers. The Permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
13. The Permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the general permit.
14. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

PROFESSIONAL CERTIFICATION*
FOR THE ENGINEERING EVALUATION REPORT

MSSW/ERP Permit Number: 47033500.000
Date Application Received: October 19, 2007
Permittee's Name: Florida Department of Transportation, District 7
Address: 11201 N McKinley Drive, MS 7-800
Tampa, FL 33612
Project Name: FDOT - SR 39 (Buchman Highway) at Hillsborough River
Project Description: Road Project
Project Size: 3.10 Acres
Activity: Construction
Section(s)/Township/Range: 25/26S/21E

I HEREBY CERTIFY that the engineering features described in the referenced application to construct and/or operate a surface water management system associated with the indicated project have been evaluated regarding provision of reasonable assurance of compliance with Part IV, Chapter 373, Florida Statutes, and Chapters 40D-4, 40D-40 or 40D-400, Florida Administrative Code, (F.A.C.), as applicable. I have not evaluated and do not make any certifications as to other aspects of the proposal.

This evaluation was conducted within limited time frames and focused on a summary review of the construction plans, permit abstract and conditions, and District rule requirements relative to the Conditions of Issuance. Ongoing responsible oversight by degreed engineering staff was provided during the detailed project review.


12-10-07

(Seal)

Andrea R. Bolling, FL P.E. # 63923
Sr. Professional Engineer
Brooksville Regulation Department
Southwest Florida Water Management District

* When required by Subsection 61G15-26.001(1), F.A.C., a professional engineer's seal, signature and date (i.e., "Professional Certification") means that the work indicated has been conducted under the responsible supervision, direction or control of a person licensed by the State to practice engineering, who by authority of their license is required to have some specialized knowledge of engineering. Professional Certification is not a guaranty or warranty of fitness or suitability, either explicit or implied.

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
 - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
 - b. instructions not to injure, harm, harass or kill this species;
 - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
 - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
 - a. any sightings of eastern indigo snakes and
 - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

January 12, 2009

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Finding for Above-Numbered Permit Application

1. Applicant: FDOT District Seven
11021 North McKinley Drive
Tampa, FL 33612
2. Location, Geographic Position, Existing Conditions, Project Description, Changes to Project:
 - a. Location: The project site involves proposed impacts to wetlands and surface waters located along State Road 39 at the Hillsborough River bridge, in Section 25, Township 26 South, Range 21 East, Pasco County, Florida. The project is within the Hillsborough River Watershed.
 - b. Latitude/Longitude:

Latitude	28.193332
Longitude	-82.165010
 - c. Existing Site Conditions: The project area includes approximately 9.2 acres, including 3.7 acres of wetlands and 0.28 acre of surface waters. The wetlands are predominantly forested floodplain and emergent marsh associated with the Hillsborough River.
 - d. Initial Project Description As Shown on the Application: The applicant proposes to impact approximately 2.29 acres of waters of the United States, which includes 2.14 acres of impact for a temporary detour bridge and 0.15 acre of impact for the replacement bridge. The project is referenced by FDOT as FPID Number 408932. As the temporary bridge will require the clearing and temporary filling of forested wetlands, the applicant considered all impacts as 'permanent' in calculating the necessary mitigation. As mitigation for the project impacts, the applicant proposes to provide mitigation via the FDOT Mitigation Plan pursuant to 373.4137 (F.S.); specifically, the project impacts will be mitigated for at Colt Creek State Park. The project is referenced by FDOT as FPID Number 408932.
 - e. Final Project Description: The final project description is the same as the initial project description.
3. Project Purpose:
 - a. Basic: To replace a bridge to improve transportation safety

CESAJ-RD-ST SAJ-2008-2966 (IP-JPF)

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application

b. Overall: To replace a bridge and construct a temporary detour bridge to meet a need for transportation safety at the project location

4. Scope of Analysis: The overall area under consideration measures approximately 9.2 acres, including the wetlands described above.
5. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344), as amended.
6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State water quality certification (WQC): The Southwest Florida Water Management District (SWFWMD) issued an Environmental Resource Individual Construction Permit (ERP) for the temporary detour road on December 16, 2008, and an Environmental Resource Noticed General Permit for the bridge replacement on December 10, 2007.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida CZM. Issuance of a DEP/WMD permit certifies that the project is consistent with the CZM plan.

c. Other authorizations: No information has been received regarding any other authorizations that may be required.

7. Date of Public Notice and Summary of Comments:

- a. Pre-application meeting(s): NA
- b. Important dates: The Corps received the application for the project on August 1, 2008, considered it complete on August 5, 2008, and sent a public notice on August 7, 2008, to all interested parties including appropriate State and Federal agencies.
- c. Public notice comments: The Corps has reviewed all of the comments submitted in response to the circulation of the public notice. The Corps has summarized these comments below:

- (1) U.S. Environmental Protection Agency (EPA): EPA did not respond to the public notice.
- (2) U.S. Fish and Wildlife Service (USFWS): The USFWS responded to the

public notice and the Corps' request for informal coordination on August 14, 2008. The USFWS concurred with the Corps' 'may affect, not likely to adversely affect' determination for the wood stork and the eastern indigo snake, and stated that the proposed action will not significantly affect other fish and wildlife resources.

- (3) National Marine Fisheries Service (NMFS): The NMFS responded to the public notice and the Essential Fish Habitat Assessment provided by the applicant on August 21, 2008. The NMFS stated that the project would not directly impact any NMFS trust resources and recommended that the stormwater treatment systems address runoff from the proposed widened road to protect estuarine and marine habitats within the system.
- (4) State Historic Preservation Officer (SHPO): The SHPO did not respond to the public notice.
- (5) State and local agencies: NA
- (6) Organizations: NA
- (7) Individuals: NA
- (8) Others Including Internal Coordination: NA

d. Response to the comments: No coordination of the comments was necessary.

e. Additional Coordination of Project Revisions: No other coordination was necessary.

8. Alternatives

a. Avoidance: The current proposal has taken into consideration avoidance. The project site was the most practicable location for the activity.

b. Minimization: The project was planned and designed with a view to minimizing impacts to wetland resources.

c. Project As Proposed: The current project requires the placement of fill into waters of the United States to allow the applicant to address the need for improved infrastructure.

d. Conclusions of Alternatives Analysis: The applicant has provided an acceptable mitigation plan to compensate for unavoidable wetland impacts. The current proposal of 2.29 acres of impacts to wetlands and surface waters is the least damaging, practicable alternative.

9. Evaluation of the 404(b)(1) Guidelines: The Corps reviewed the proposed project in accordance with the 404(b)(1) Guidelines. The review demonstrates that the Corps analyzed all of the alternatives and that the proposed alternative is the least environmentally damaging and practicable alternative considering expense, existing technology, and logistics. The project would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or affect a marine sanctuary. The Corps does not expect significant degradation and the applicant has taken all available practicable steps to minimize impacts.

10. Public interest review:

a. Public interest factors: The Corps reviewed all of the public interest factors including, but not limited to, the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. The Corps has determined that the proposed work will not adversely affect any of the public interest factors.

b. Describe the relative extent of the public and private need for the proposed structure or work: Public and private needs include improved transportation infrastructure.

c. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

d. Describe the extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects associated with utilization of the property would be permanent.

e. Threatened or endangered species: The proposed project will not affect any threatened or endangered species based on the information supplied by the applicant and the August 14, 2008, comments from the USFWS.

f. Corps wetland policy: The proposed wetland alteration is necessary to realize the project purpose. The proposed work should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The proposed mitigation adequately offsets the wetland impacts. Therefore, the project is in accordance with the Corps wetland policy.

g. Cumulative and secondary Impacts: The issue of cumulative impacts has been addressed. The proposed impacts will not result in cumulative or secondary impacts to the remaining wetlands within the general area.

h. Corps analysis of comments and responses: The Corps did not receive any comments in response to the public notice. There are no unresolved issues.

11. Essential Fisheries Habitat (EFH): The project would not adversely affect Essential Fish Habitat.

12. Public Hearing Evaluation: No requests were received for a public hearing.

13. Determinations:

a. Finding of No Significant Impact (FONSI): Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) Guidelines: Having completed the evaluation in paragraph 8 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

d. Public Interest Determination: I find that issuance of a Department of the Army

CESAJ-RD-ST SAJ-2008-2966 (IP-JPF)

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application

permit is not contrary to the public interest.

PREPARED BY:



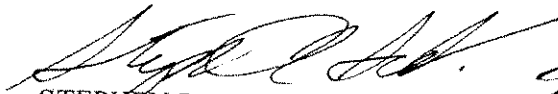
JOHN P. FELLOWS
Project Manager, Tampa Section

REVIEWED BY:



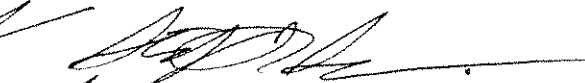
CHARLES A. SCHNEPEL
Chief, Tampa Section

REVIEWED BY:



STEPHEN R. SULLIVAN
Chief, South Permits Branch

APPROVED BY:



PAUL L. GROSSKRUGER
Commanding